The Bell Atlantic Petition completely fails to address this issue. CIX emphasizes that the deployment of xDSL technologies *must be reconciled* with the Commission's long-standing policies favoring vibrant competition in the information services markets, and the need to ensure that ILECs do not use their monopoly control over the local loop and central office facilities to create a discriminatory advantage for their own information services. Obviously, CIX prefers a practical solution to this issue -- a solution that gives all ISPs the same access to ILEC xDSL and that covers the same geographic market.

### *C. Bell Atlantic Fails To Identify The Improvements to the Internet Backbones It Would Make*

To a large extent, Bell Atlantic seeks regulatory relief on the promise that it will deliver, on an expedited basis, the "technical and financial clout to provide advanced Internet access services to all their customers and to build larger and faster backbones that can take advantage of the local technologies."[41] It then fails to describe:

1. What are the levels of increased investment that Bell Atlantic commits to?

2 Over what time frame will Bell Atlantic make this commitment?

3. What is Bell Atlantic's specific plan for improving on Internet backbone speeds, Network Access Point congestion, Website telecommunications access issues, connectivity between ISPs?

4. Does Bell Atlantic intend to use its interLATA facilities built or acquired now to transport voice telephony, even after it receives Section 271 approval? If so, then the Petition would essentially provide Bell Atlantic with the ability to build its interLATA voice network prior to Section 271 approval.

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41 Petition, Attachment 2, at 57-58.

Without answers to these fundamental questions, it is hard to evaluate whether Bell Atlantic's promises are real or not. If not, then there is no public interest supporting Bell Atlantic's requests interLATA authority and other deregulatory relief.

### *D. Consideration of The Bell Atlantic Petition Is Premature*

The Commission has already correctly decided it will implement Section 706 by first initiating a comprehensive rulemaking proceeding, as contemplated under Section 706(b), and not through *ad hoc* company-specific requests for deregulation such as the Bell Atlantic Petition. "Federal-State Board on Universal Service," First Report and Order, CC Dkt. No. 96-45, 12 FCC Rcd. 8776, 9091 (1997) ("We concur with the Joint Board's conclusion . . . that Congress contemplated that section 706 would be the subject of a separate rulemaking proceeding.").[42] With a general rulemaking, the Commission and interested parties can consider the regulatory goals to be achieved by Section 706, and what means the Commission should use achieve those goals. CIX believes that the Commission is correct in holding to its decisions on implementation of Section 706. A general rulemaking avoids the implicit bargaining of *ad hoc* regulatory relief for one technology deployment or another; it also adds a context of regulatory principals to apply to specific decisions. Bell Atlantic should know this, since it has already tried and failed to inject *ad hoc* Section 706 claims before the Commission.[43]

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42 "Implementation of the Cable Act Reform Provisions of the Telecommunications Act of 1996," Order and Notice of Proposed Rulemaking, 11 FCC Rcd. 5937, 5975 (FCC "reserves its right to address the implementation of Subsection 706(a) in a consolidated action"); "Implementation of Local Competition Provisions in the Telecommunications Act of 1996," First Report and Order, CC Dkt. No. 96-98, 11 FCC Rcd. 15497, 16120-21 (1996) (FCC declines to implement Section 706 in its Interconnection Proceeding because "[w]e intend to address issues related to section 706 in a separate proceeding") ("Local Competition Order").

43 "800 Data Base Access Tariffs," Order on Reconsideration, 12 FCC Rcd. 5188, 5203, 5205 (1997) ("Bell Atlantic's argument that it is being penalized for deploying more advanced technology also fails").

Therefore, consideration of the Ameritech Petition is premature because the public and the Commission cannot evaluate such *ad hoc* requests for deregulation until the general rulemaking has been completed.

## III. The Bell Atlantic Petition is Not Authorized By Section 706 of the 1996 Act.

Bell Atlantic requests exemption from two broad categories of regulatory and statutory obligations:

> (1) "permit Bell Atlantic to provide high-speed broadband services without regard to present LATA boundaries" prior to Section 271 approval and without regard to the Section 272 safeguards; and
>
> (2) "permit Bell Atlantic to develop its newer high-speed broadband services . . . including all xDSL services, free from pricing, unbundling, and separations restrictions . . . [including] . . . mandatory access by competitors . . . on a discounted wholesale basis or to required electronics . . . as unbundled network elements . . . [and] . . . otherwise - applicable price-cap and separate affiliate rules." Bell Atlantic Petition at 3-4.

The Bell Atlantic Petition states that Section 706 authorizes and, indeed, requires the Commission to exercise regulatory forbearance authority as described in the Petition. Petition at 4-6 (FCC has "the duty to take such action . . . .").

CIX believes that the Bell Atlantic Petition advocates for bad policy decisionmaking. Section 706 does not in any way suggest that the Commission can or should act in the manner so vaguely outlined by Bell Atlantic. Bell Atlantic asks the Commission to directly contravene the enumerated Section 271 competitive checklist requirements and the Section 272 structural separation obligations. Nothing in the statutory language of Section 706 even suggests such an unbridled end-run around key competitive safeguards of the 1996 Act.

Instead, Section 706 authorizes the Commission to encourage advanced telecommunications for "reasonable" deployment through regulatory measures that are "consistent with the public interest" and that "promote competition in the local telecommunications market." The Bell Atlantic request fails to meet any of these statutory standards because it would: exclude ISPs and CLECs from unbundled access to xDSL network

elements; eliminate resale of local telecommunications services while Bell Atlantic continues to hold a monopoly over local access; and retreat from competitive safeguards in place to prevent the ILECs from discrimination on cross-subsidization.[44] In short, Bell Atlantic asks the Commission to accept an untenable policy trade of local telecommunications competition in exchange for a vague promise of advanced services.

### *A. Bell Atlantic's Requests For InterLATA Authority, Wholesale Resale, Unbundling Obligations Are Not Authorized By the 1996 Act*

#### 1. Bell Atlantic Fails To Demonstrate That The Commission Has Statutory Authority to Forbear From Sections 271 and 251(c) of the Act

The 1996 Act specifies the manner by which Bell Atlantic may seek authority to enter the in-region interLATA services market. 47 U.S.C. § 271(c). Section 271 sets out a detailed and specific procedure by which the Commission must evaluate a request for authority to enter either the interLATA telecommunications or information service markets, and obligates the Commission to monitor an RBOC's continuing compliance with the competitive checklist requirements. Id. at § 271(d). Thus, Congress has made its position quite clear: compliance with the competitive mandates of the 1996 Act and Section 271 is a necessary prerequisite for

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44 In these initial comments, CIX will focus on the issues raised concerning Bell Atlantic's interLATA, unbundling, resale, and separations obligations. Other commenters will surely address Bell Atlantic's request that its xDSL services be exempt from price cap regulation. In passing, however, CIX notes that Bell Atlantic's pricing request is contrary to the plain language of Section 706, which authorizes the Commission to impose price cap regulation, not to eliminate it. 1996 Act, § 706(a). Indeed, price cap regulation is specifically intended to encourage RBOC innovation, as compared with rate of return price regulation. In addition, the pricing of UNE's and other local telecommunications services is largely a matter of state jurisdiction, as established in Bell Atlantic's strident court challenge to the Local Competition Order.

Bell Atlantic to enter the interLATA Internet market.[45] Congress further expressed this mandate by specifically foreclosing any Commission action that veers from the express terms of Section 271: "LIMITATION ON COMMISSION -- The Commission may not, by rule *or otherwise*, limit or extend the terms used in the competitive checklist . . . ." Id. at § 271(d)(4) (emphasis added). See also, Non-Accounting Safeguards Order, 11 FCC Rcd. at 21967 ("If a BOC's provision of an Internet or Internet access service . . . incorporates a bundled in-region, interLATA transmission component provided by the BOC over its own facilities or through resale, that service may only be provided through a Section 272 affiliate, after the BOC has received in-region interLATA authority under Section 271.").

Bell Atlantic's Section 251(c) resale and unbundling obligations are also unequivocal: it has a "duty to provide . . . nondiscriminatory access to network elements on an unbundled basis at any technically feasible point . . . .", and a duty "to offer at wholesale rates any telecommunications service that the carrier provides at retail to subscribers." 47 U.S.C. § 251(c)(3) & (4)(A). Moreover, Congress defined "network element" quite broadly as "a facility or equipment used in the provision of a telecommunications service." Id. at § 153(29). Thus, the xDSL equipment and functionalities that are part of Bell Atlantic's network are subject to Section 251(c) unbundling, and its xDSL resale service is subject to the wholesale resale obligation.

Bell Atlantic's request for the Commission to forebear from Section 271 and 251(c) is beyond the Commission's forbearance authority, which is expressly limited: "the Commission may not forbear from applying the requirements of section 251(c) or 271 under subsection (a) of

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45 CIX notes that Bell Atlantic's proposed offering could not in any manner be deemed an "incidental interLATA service." Section 271 permits interLATA Internet services only to serve "elementary and secondary schools as defined in section 254(h)(5)." Id. at § 272(g)(2); § 272(h) (incidental interLATA service provisions shall be narrowly construed).

this section until it determines that those requirements have been fully implemented." 47 U.S.C. § 160(d). Here again, Congress has spoken in plain terms to require Bell Atlantic to open its local network up to competition, to fully unbundle and resell pursuant to Section 251(c), and to meet the competitive checklist of Section 271 *prior to entering* the interLATA markets.

Bell Atlantic asserts, however, that the language of Section 706 for the Commission to "utiliz[e] . . . regulatory forbearance," provides a statutory basis to forbear from the requirements of Section 271. Bell Atlantic Petition at 6. For several reasons, CIX strongly disagrees with this statutory interpretation. The language "utiliz[e] . . . regulatory forbearance" only provides the Commission with *general* direction on how to promote advanced services, it does not suggest that the Commission may override the *specific* directive of Section 10 that forbids it to forbear from Sections 271 and 251(c). Thus, Congress has articulated a policy in favor of deployment of "advanced telecommunications services," which would factor into the Section 10(a)(3) "public interest" determination in the context of a Section 10 forbearance proceeding. The source of the Commission's forbearance authority to address this Petition, however, is still Section 10 of the Communications Act, which expressly prohibits the Commission from forbearance in this case. 47 U.S.C. § 160(d).

Moreover, Bell Atlantic's interpretation of Section 10 (Petition at 10-11) is inconsistent with the plain statutory language. Congress carefully crafted Section 10 to recognize only one other independent source of statutory forbearance authority, as found in Section 332(c)(1)(A) of the Act. Id. at § 160(a) ("*Notwithstanding section 332(c)(1)(A) of this Act*, the Commission shall forebear from applying any regulation or any provision of this Act" that the Commission finds consistent with the standards of Section 10). Congress did not recognize Section 706 as an independent source of forbearance authority. Surely, if it had been Congress' intention to create an independent basis for regulatory forbearance under Section 706, then Section 10(a) would have been crafted to expressly reference both Section 332(c)(1)(A) and Section 706. Rather, read in conjunction with Section 10, the Section 706 statutory language ("utilizing . . . regulatory

forbearance") merely directs the Commission to generally exercise its Section 10 forbearance authority, among other permissible deregulatory tools, to promote advanced telecommunications.

Bell Atlantic's forbearance argument is also incongruous with at least three other aspects of the 1996 Act. First, as cited above, Section 271(d)(4) states that the "Commission may not, by rule *or otherwise*, limit or extend the terms used in the competitive checklist . . . ." Id. at § 271(d)(4) (emphasis added). It is hard to fathom that Congress would have directed the Commission to strictly apply every element of Section 271, and yet, as Ameritech contends, Congress would permit the Commission to sweep away *all* Section 271 requirements through a Section 706 proceeding. Second, Bell Atlantic's view of Section 706 regulatory forbearance authority[46] would vest in the Commission almost unfettered discretion to eliminate or fundamentally change statutory requirements, which is at odds with Section 10 and with established precedent on the Commission's limited preemption authority. See, MCI v. AT&T, 114 S. Ct. 2223 (1994).

Finally, and equally strained, is Bell Atlantic's argument that Section 271 forbearance can be achieved through the Commission's authority under Section 3(25)(B) of the Act to "modify" geographic LATA boundaries. Petition at 11-12. Bell Atlantic seeks a whole-scale *elimination* of all LATA restrictions imposed by Section 271, and so the Commission's authority under Section 3(25) to approve a *modification* of specific LATA boundaries is inapposite in this proceeding.[47] See also, MCI v. AT&T, 114 S. Ct. at 2229 (use of the word "modify" in

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46 According to Bell Atlantic, Section 706 forbearance is *required*, despite other contravention of other statutory mandates, if one simple showing is made: "the requested forms of deregulation would accelerate advanced telecommunications services . . . ." Petition at 6.

47 Indeed, Bell Atlantic's approach to LATA modifications would turn the Commission's precedent on its head. See, e.g., In the Matter of U.S. West for Limited Modification of LATA Boundaries, Memorandum Opinion and Order, File No. NSD-L-97-31, DA 98-433, ¶¶ 6-7 (CCB rel. March 4, 1998) (among other requirements, the Section 3(25)(B) LATA modification

*(Footnote continued to next page)*

Communications Act means to "change moderately or in minor fashion"). Moreover, Bell Atlantic's contention that eliminating LATA boundaries would be consistent with the MFJ Court's waivers is seemingly irrelevant.[48] It is also mistaken because, as the MFJ Court explained in declining to permit Pacific Bell's ownership of interLATA transmission facilities, "the prohibition against Regional Company entry into interexchange business -- like that against entry into the information services business . . . -- lies at the heart of the decree." U.S. v. Western Elec. Co., 1986-1 Trade Cases 62,055, 62,060.

2. Bell Atlantic Fails To Adequately Demonstrate That The Commission Has Authority to Forbear from Section 272 or That Such Forbearance Is Warranted.

In a decision released after Bell Atlantic filed its Petition, the Common Carrier Bureau made clear that the Commission's Section 272 forbearance authority is limited by Section 10(d). The Bureau held: "[P]rior to their full implementation we lack authority to forbear from application of the requirements of Section 272 to any service for which the BOC must obtain prior authorization under Section 271(d)(3)," and, " that section 10(d), read in conjunction with section 271(d)(3)(B), precludes our forbearance for a designated period from section 272 requirements with regard to any service for which a BOC must obtain prior authorization

*(Footnote continued from previous page)*
process requires prior state approval and a showing that the change of LATA boundaries would not undermine Section 271 objectives, "would not have a significant anticompetitive effect on the interexchange marketplace or on [Bell Company's] . . . incentive to open its local exchange and exchange access markets to competition").

48 Bell Atlantic cites no authority for the proposition that Section 3(25) of the Act was intended to provide the Commission with the same latitude to approve LATA modifications, or to waive LATA restrictions, as was provided to the district court in Section VIII(C) of the MFJ. Given that many of the MFJ waivers were specifically incorporated into the statute as Section 251(g) "incidental interLATA services" (and so were not left to Commission discretion), the structure of the statute confirms that the Commission does not have implicit or explicit authority to modify the essential terms of Section 271 by approving LATA modifications.

pursuant to section 271(d)(3)."[49] Thus, until Bell Atlantic obtains Section 271 approval to offer interLATA services, the Commission has already held that it has no authority to forebear.

Even if one assumes, *arguendo,* that Section 706 is an independent source of forbearance authority, the Commission's action would have to "promote competition in the local telecommunications market." 1996 Act, § 706(a). However, the separations, nondiscrimination, transactional, and auditing obligations of Section 272 are each designed to promote local telecommunications. As the Commission explained in the Non-Accounting Safeguards Order,[50] the Section 272 safeguards "are designed, in the absence of full competition in the local exchange marketplace, to prohibit anticompetitive discrimination and cost-shifting, while still giving consumers the benefit of competition." Because Bell Atlantic would exercise market dominance over local access lines used for xDSL service, it has every incentive to engage in exactly the sort of activity that Section 272 is meant to proscribe. Given this, it is difficult to discern how forbearance of Bell Atlantic's Section 272 obligations would promote local competition.

More broadly, CIX believes that Section 272 of the Act should not be swept away just two years after enactment simply because today the Bell Operating Companies' allege that they can improve some interLATA services. Congress implemented a specific statutory scheme for a specified period with a public policy for opening up the local telecommunications marketplace, and FCC should exercise extreme caution in second-guessing this Congressional decision.

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49 "Bell Operating Companies' Petitions for Forbearance from the Application of Section 272," Memorandum Opinion and Order, CC Dkt. No. 96-149, DA 98-220 ¶¶ 22, 23 (CCB, rel. Feb. 6, 1998). Unlike Bell Atlantic's request in this proceeding, the Bureau reasoned that it had authority to forbear from Section 272 because the E911 and reverse directory services service in question were a Section 271(f) "previously authorized" services. Id. at ¶ 25.

50 11 FCC Rcd. at 21911.

### *B. Bell Atlantic's Request for Exemptions From Unbundling, Resale, and Separations Obligations Would Substantially Frustrate Local Telecommunications and Internet Service Competition.*

Section 706 requires the Commission to take "reasonable" actions in furtherance of the "public interest," and "measures that promote competition in the local telecommunications market." 1996 Act, § 706(a). CIX fully supports that statutory policy. CIX is confident that innovative telecommunications services will emerge when the ILECs have opened their monopoly access networks, and interconnect on fair and reasonable terms, as required by the 1996 Act.

However, Bell Atlantic's request to provide xDSL services without regard to their unbundling, separations, resale, and pricing obligations would be wholly unreasonable, would violate the public interest as embodied by a host of Congressional and Commission policies, and would be fundamentally contrary to the furtherance of local competition. In CIX's view, what Bell Atlantic Petition seeks is to close all access to local data users for competing providers, while maintaining its monopoly position over local telecommunications. This effort is fundamentally contrary to the public interest.

#### 1. Neither ISPs Nor CLECs Would Have Unbundled Access to the Underlying Local Telecommunications Data Network

Bell Atlantic asks for the Commission to exempt its xDSL local telecommunications services from unbundling requirements. Petition at 3. However, 1996 Act makes perfectly plain that Bell Atlantic and other incumbent LECs must unbundle and provide access "at any technically feasible point," and offer all of its local telecommunications services for competing providers. 47 U.S.C. § 251(c)(3)&(d)(2). Congress defined "network elements" broadly, and did not limit the ILEC's unbundling obligations to only those elements of its network used exclusively for voice traffic. Id. at § 153(29)("'network element' means a facility or equipment used i the provision of a telecommunications service"). Thus, Congress has unequivocally laid

down statutory law and a public policy for broad, open, and comprehensive access to the elements of the incumbent LECs' networks.

While its Petition is vague, Bell Atlantic apparently asks to be exempt from its Open Network Architecture ("ONA") and Comparably Efficient Interconnection ("CEI") unbundling obligations. Thus, competing ISPs would be denied access to the underlying telecommunications services that would be enjoyed exclusively by Bell Atlantic's ISP affiliate. It is beyond question that such a regulatory exemption would flatly contradict the Commission's decades-long precedent to open local telecommunications to preserve a vibrant information service market for the benefit of the American consumer.[51]

In both cases, unbundling serves a number of essential functions that are part of the federal policy framework to open up the local market. First, unbundling permits local telecommunications carriers to establish an early foothold in the marketplace, by allowing competitors to combine their own more limited facilities with the elements of the ILECs' ubiquitous network. In addition, unbundling ensures more competitive pricing of local retail services. If the ILEC attempts either to overcharge for a given retail service or, alternatively, to deploy inefficient elements in the provision of the service, then unbundling provides the competing provider with incentive to compete by purchasing all UNEs of a given service at cost (in the former case) or purchasing some UNEs and recombine them with more efficient elements (in the latter case). While Bell Atlantic claims that unbundling of certain xDSL equipment is unnecessary because it may be acquired by all providers, this argument is contrary to the essential role of UNE rights as a systemic check on ILEC pricing. Further, the Commission has

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51 See "Computer III Further Remand Proceedings," Further Notice of Proposed Rulemaking, CC Dkt. Nos. 95-20, 98-10, FCC 98-8, at ¶ 78 (rel. Jan. 30, 1998). ("ONA unbundling requirements serve both to safeguard against access discrimination and to promote competition and market efficiency in the information services industry.")

held that the availability of an element from a source other than the ILEC does not relieve the ILEC of its unbundling obligations. "Requiring new entrants to duplicate unnecessarily even a part of the incumbent's network could generate delay and higher costs for new entrants, and thereby impede entry by competing local providers and delay competition, contrary to the goals of the 1996 Act." Local Competition Order, at ¶ 283.

Similarly, ONA unbundling serves the public interest because it allows competing information service providers to recombine telecommunications elements for more efficient, or niche, services that the ILEC may be unwilling to furnish. As the Commission noted in the 1990 ONA Remand Order, ONA serves the public interest because it allows ISPs to make more efficient use of the LEC network:

> A major goal of ONA is to increase opportunities for ESPs to use the BOCs' regulated networks in highly efficient ways, enabling them to expand their markets for their present services, and develop new offerings as well, all to the benefit of consumers . . . promotion of efficient use of the network is one of the primary goals of the Communications Act.[52]

Finally, an exemption from unbundling requirements *at this time* would be particularly pernicious. To date, Bell Atlantic has failed to demonstrate that competing ISPs or CLECs would have any other local ADSL access options available to get to the end-user customer. See Part II(-), *infra*. Bell Atlantic Petition also claims that "the loops and other network elements . . . are available for rental as unbundled elements" (Petition at 21); however, it cannot at this time demonstrate compliance with its UNE and other local competition obligations by meeting the Section 271 checklist. To grant Bell Atlantic's Petition now, before it has opened its network for UNE competition, would be to trade local competition for a promise for innovation.

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52 In the Matter of Computer III Remand Proceedings, Report and Order, 5 FCC Rcd. 7719, 7720 (1990) ("ONA Remand Order"), aff'd, California v. FCC, 4 F.3d 1505 (9th Cir. 1993).

### 2. No True Competitive Market for the Provision of xDSL Would Emerge Without Resale

It is readily apparent from the statutory structure that Section 251(c)(4)(a) resale obligations complement the ILECs' unbundling obligation to ensure a more competitive local telecommunications market. Together, the two obligations permit providers to compete with the ILEC either by (a) recombining UNEs (which would likely entail interconnection and collocation) or (b) purchasing the ILECs' total retail service at cost, minus the ILECs' "avoided" costs. For the same reasons that the UNE obligation keeps consumer prices competitive, as discussed above, the wholesale resale obligation also serves the Congressional intent to encourage local competition.

Further, CIX believes that it is especially important for the Commission to keep the resale obligation intact for xDSL services. The resale obligation will ensure that xDSL is not a repeat of the ILECs' pricing decisions that delayed the deployment of ISDN: with the resale obligation, the ILECs cannot effectively stall the deployment of this new technology through excessively high tariff pricing. In addition, CIX believes that xDSL services may pose technical issues that would make it more difficult for competing providers to arrange easy and effective interconnection arrangements with the ILEC. For example, CIX is aware that certain proposed xDSL arrangements would move the service further into the switch, making unbundled access more cumbersome. If such problems are borne out in the market, use of the resale obligation will be especially critical for competing providers.

Finally, CIX notes that many ILECs, including Bell Atlantic, are active participants in the ADSL Forum, which is comprised of all the major hardware and software developers of xDSL. Thus, the ILECs, along with a select group of computer software and hardware giants, are now engaged in the ongoing development of the technical and architectural characteristics of xDSL services. This position, combined with its purchasing power over switch and equipment manufacturers, provides the ILECs with ample business incentives to promote technical solutions

favoring their own deployment, and hindering UNE access to xDSL by competing providers. Thus, the wholesale resale obligation will function as a check against such potential design and deployment activities that are inimical to local xDSL competition.

**Conclusion**

For the foregoing reasons, CIX believes that the Commission should dismiss the Bell Atlantic Petition. The competitive provision of advanced telecommunications services, such as xDSL, cannot be achieved in the manner outlined by Bell Atlantic. Instead, the grant of the Bell Atlantic Petition would frustrate the ability of other telecommunications providers to bring competition to Bell Atlantic's in-region markets, and would significantly harm the ability of independent ISPs to continue to enrich the Internet services enjoyed by American consumers.

Respectfully submitted,

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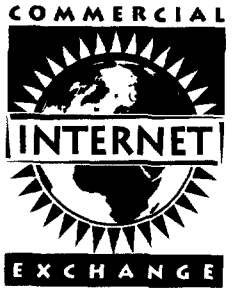
April 6, 1998

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Netcom
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NetVision
Netway Communications
New York Net
Novia Internetworking
Octacon Ltd.
On-Net
Osaka Media Port Corporation
OSI de Guatemala, S.A.
OTSUKA SHOKAI Co.,Ltd
Pacific Bell Internet
Pearl Vision
Pilot Net Services
Planet Online Ltd.
PSINet
Qwest Communications
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Telecom Finland
Teleglobe, Inc
Telewest Communications, Ltd.
The Internet Mainstreet (TIMS)
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Thoughtport
Threeweb Corporation
TogetherNet
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Tokyo Internet Corporation
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USIT United States Internet, Inc.
UUNET PIPEX
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VBCnet (GB) Ltd
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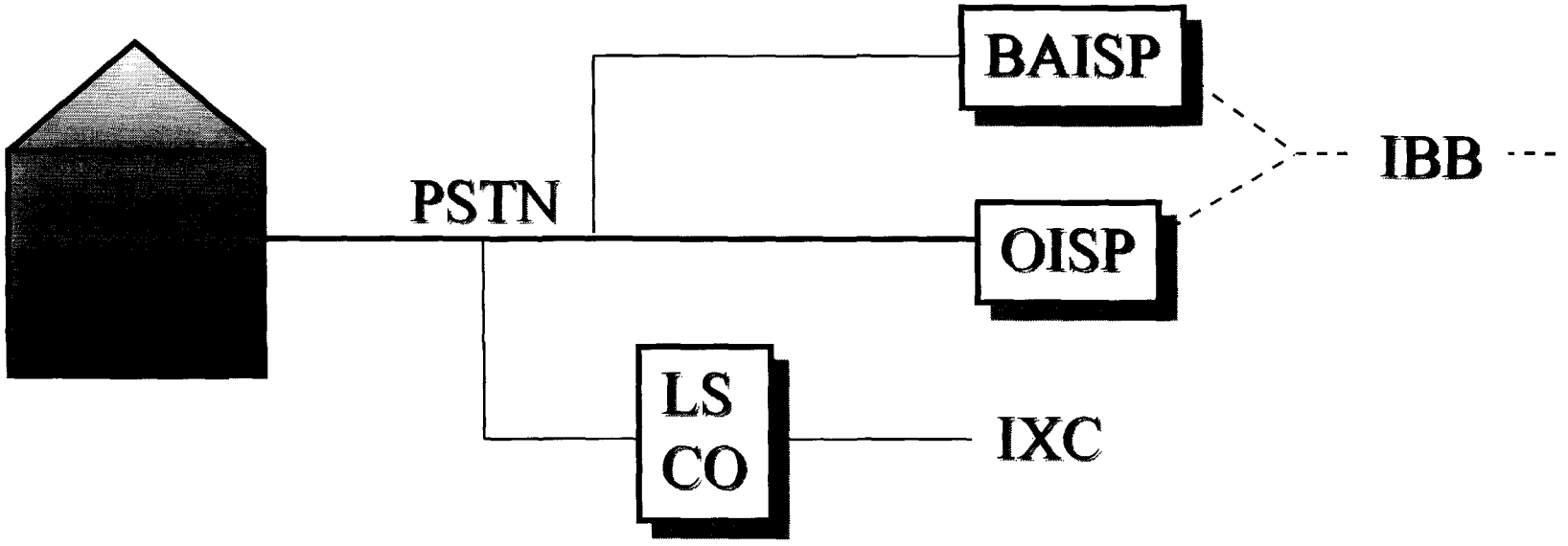
Web Professionals
WebSecure
Wyoming.com

# Figure 1
# Predominate Current Residential Internet Architecture (PSTN)

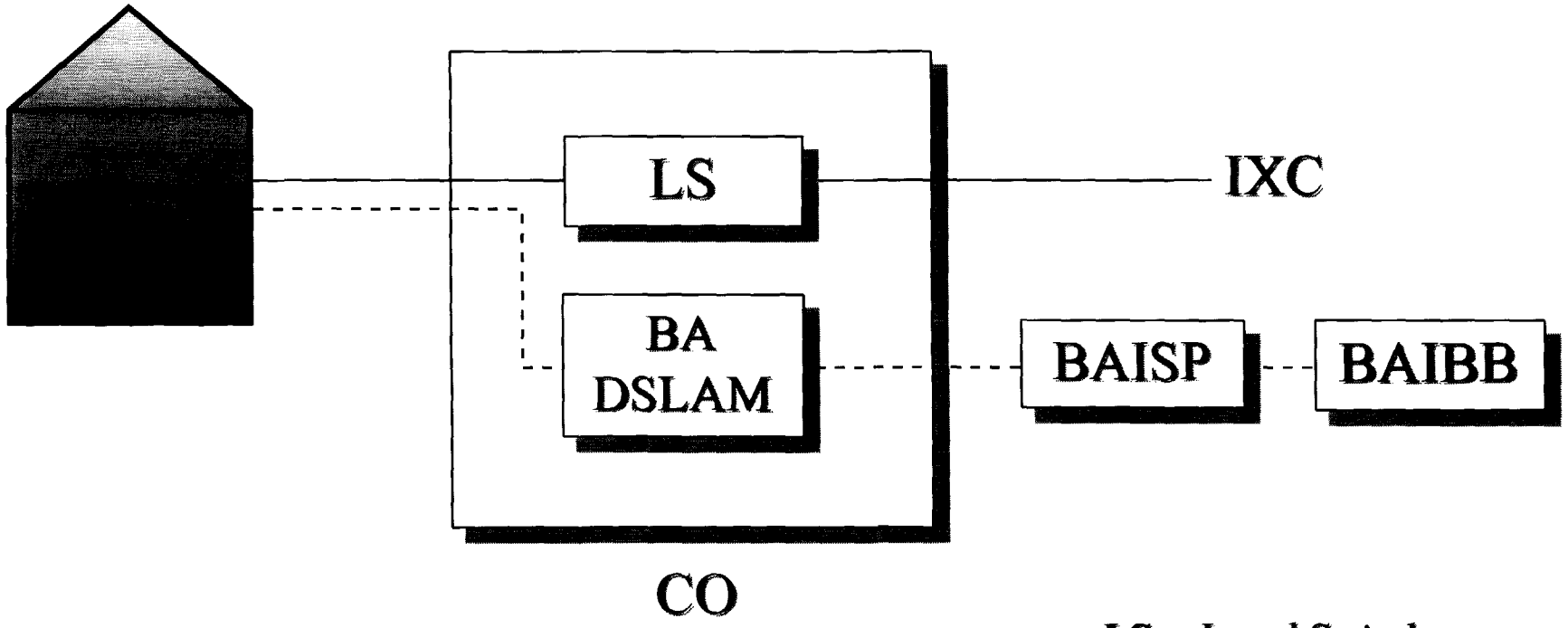



Circuit

Packet

***LS*** = *Local Switch*
***CO*** = *Central Office*
***IBB*** = *Internet Backbone*
***O***= *Other*
***BA*** = *Bell Atlantic*

# Figure 2
# Bell Atlantic ADSL Model

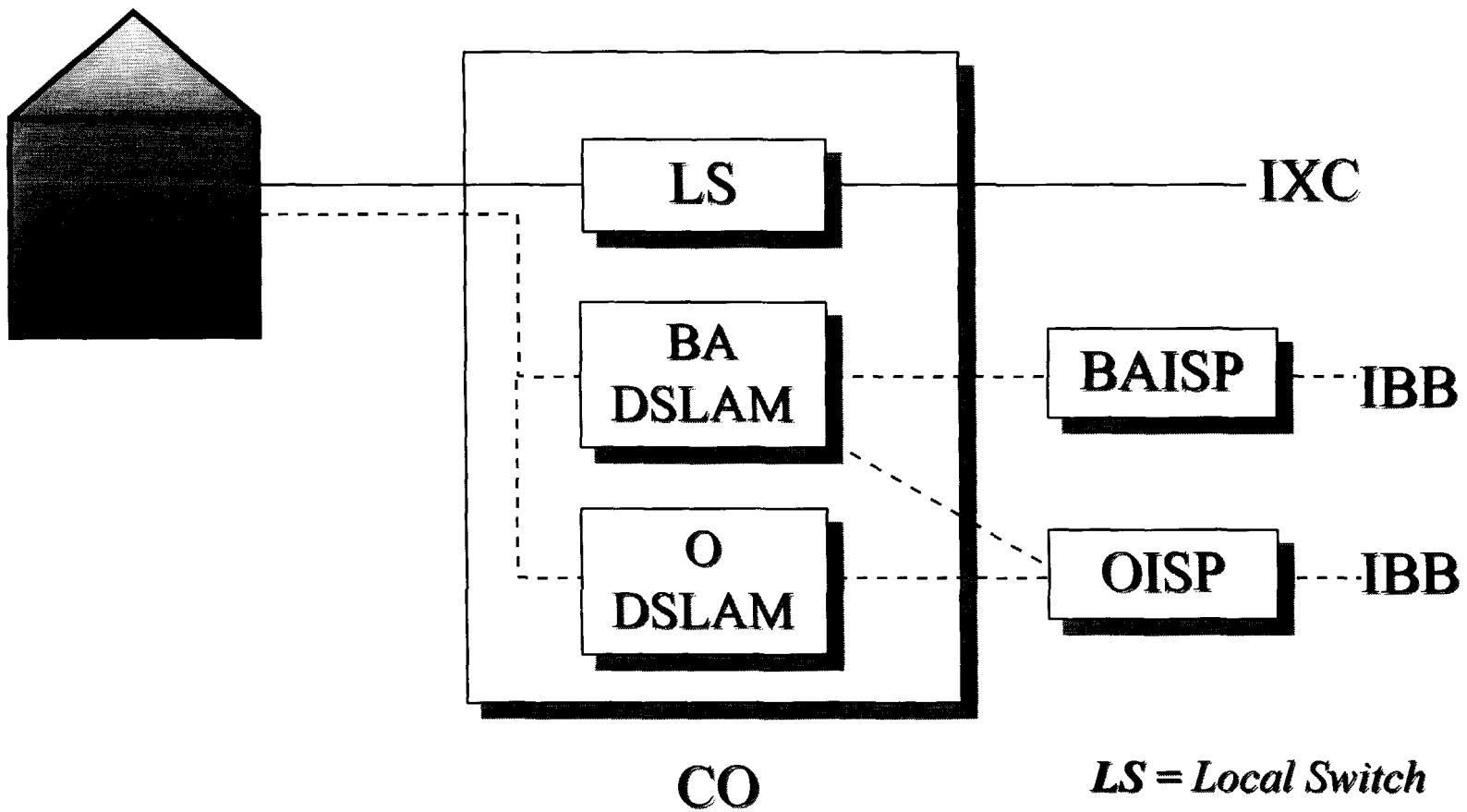



Circuit

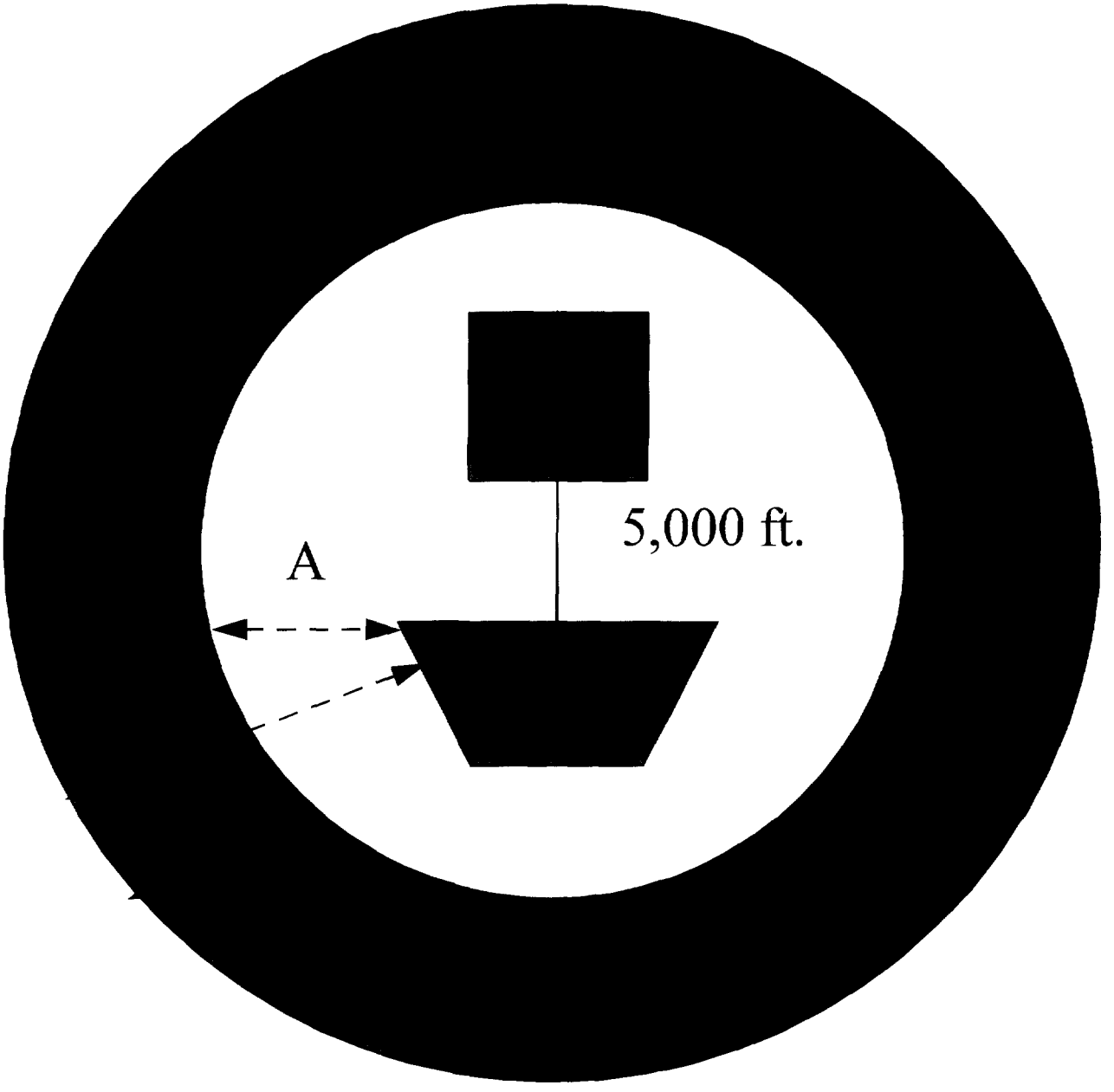
Packet

***LS** = Local Switch*
***CO** = Central Office*
***IBB** = Internet Backbone*
***O**=Other*
***BA** = Bell Atlantic*

# Figure 3
# CIX ADSL Model



# Figure 4
# ADSL and the Collocation Issue




A = The radius that non-collocated independent ISPs may use ADSL to connect to customers (e.g. 13,000 ft.).

B = The radius that the collocated ILEC-affiliated ISP may use ADSL to connect to customers (e.g. 18,000 ft.).

C = The region of the market in which the ILEC-affiliated ISP would enjoy exclusive access to customers via ADSL.

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Comments was this 6th day of April, 1998 hand delivered or mailed, postage prepaid to the following:

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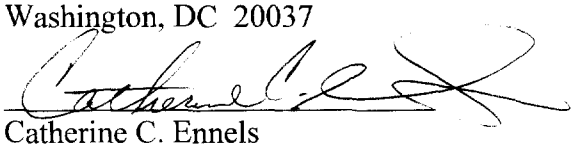

Catherine C. Ennels